

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

TREVIN NUNNALLY, SR.,

Plaintiff,

v.

WARDEN, FPC MAXWELL,

Defendant.

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CIVIL ACTION NO. 5:18-CV-00124-RWS

ORDER

Petitioner Trevin Nunnally, Sr., an inmate confined at the Federal Correctional Institution in Texarkana, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, at Texarkana, Texas, for consideration pursuant to applicable laws and orders of this Court.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge (Docket No. 14), along with the record, pleadings and all available evidence. The Magistrate Judge recommends granting the Respondent's motion to dismiss for failure to state a claim for which relief can be granted (Docket No.12). Petitioner Nunnally has filed no objections thereto.

The Magistrate Judge's Report was mailed to Petitioner Nunnally's last known address but Petitioner Nunnally did not acknowledge receipt of the Report. Petitioner Nunnally is a *pro se* litigant, and, under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are "responsible for keeping the clerk advised in writing of

the current physical address.” Local Rule CV-11(d). To date, Petitioner Nunnally has not updated his address with the Court or filed objections to the Report.

Because Petitioner Nunnally did not file objections to the Report, he is not entitled to *de novo* review by the undersigned of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with it. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). Accordingly, the Court hereby **ADOPTS** the Report of the United States Magistrate Judge as that of this Court and Respondent’s Motion to Dismiss (Docket No. 12) is **GRANTED**. It is therefore

ORDERED that Petitioner Trevin Nunnally, Sr.’s Petition is **DISMISSED WITH PREJUDICE**.

So ORDERED and SIGNED this 18th day of March, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE